

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 4	CCRB Case #: 201211362	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/07/2012 10:37 AM	Location of Incident: 75 Essex Street; 7th Precinct stationhouse; § 87(2)(b)	Precinct: 07	18 Mo. SOL 2/7/2014	EO SOL 2/7/2014	
Date/Time CV Reported Fri, 08/31/2012 1:52 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/31/2012 1:52 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe White	08891	942696	007 PCT
2. SGT Mark Vazquez	02696	933447	007 PCT
3. LT Edward Carrasco	00000	915059	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Lambe	12840	945225	007 PCT
2. POM Patrick Lynaugh	20349	945231	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe White	Abuse: At 75 Essex Street in Manhattan, PO Christopher White searched the car in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.SGT Mark Vazquez	Abuse: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez searched the car in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.SGT Mark Vazquez	Abuse: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.SGT Mark Vazquez	Abuse: At 75 Essex Street in Manhattan and at the 7th Precinct stationhouse, Sgt. Mark Vazquez threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E.SGT Mark Vazquez	Discourtesy: At the 7th Precinct stationhouse, Sgt. Mark Vazquez spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.SGT Mark Vazquez	Force: At the 7th Precinct stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Christophe White	Discourtesy: At § 87(2)(b) PO Christopher White spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.SGT Mark Vazquez	Force: At the 7th Precinct stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)	§ 87(2)(b)
I.LT Edward Carrasco	Abuse: At the 7th Precinct stationhouse, Lt. Edward Carrasco threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On August 31, 2012, § 87(2)(b) filed this complaint with the CCRB on behalf of her husband § 87(2)(b) via the telephone.

On August 7, 2012, PO Christopher White and Sgt. Mark Vazquez stopped § 87(2)(b) vehicle as he pulled out of a parking lot in the vicinity of 75 Essex Street in Manhattan and the following allegations resulted:

- **Allegation A) Abuse of Authority: At 75 Essex Street in Manhattan, PO Christopher White searched the car in which § 87(2)(b) was an occupant.**
- **Allegation B) Abuse of Authority: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez searched the car in which § 87(2)(b) was an occupant.**
§ 87(2)(g)
- **Allegation C) Abuse of Authority: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez threatened to arrest § 87(2)(b)**
§ 87(2)(g)
- **Allegation D) Abuse of Authority: At 75 Essex Street in Manhattan and at the 7th Precinct stationhouse, Sgt. Mark Vazquez threatened § 87(2)(b) with the use of force.**
- **Allegation E) Discourtesy: At the 7th Precinct stationhouse, Sgt. Mark Vazquez spoke discourteously to § 87(2)(b)**
- **Allegation F) Force: At the 7th Precinct stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation G) Discourtesy: At § 87(2)(b) PO Christopher White spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
- **Allegation H) Force: At the 7th Precinct Stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)**
- **Allegation I) Abuse of Authority: At the 7th Precinct stationhouse, Lt. Edward Carrasco threatened § 87(2)(b) with the use of force.**
§ 87(2)(g)

On August 27, 2013, this complaint was reassigned to Investigator Glenn Brown following former Investigator Kimberley Eldridge's departure from the CCRB.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- At the time of the incident, § 87(2)(b) was § 87(2)(b). He is a black male, 6'4" tall, 260 pounds with black hair and brown eyes.

CCRB Statement: (encl. B6-10)

On January 24, 2013, § 87(2)(b) was interviewed at the § 87(2)(b) on Rikers Island and provided the following statement. On August 7, 2012, § 87(2)(b) pulled his 2002 grey Ford Expedition into a parking lot in the vicinity of 75 Essex Street in Manhattan. § 87(2)(b) a young man § 87(2)(b) mentors from his neighborhood, was seated in the front passenger's seat of the vehicle. Upon entering the lot, § 87(2)(b) noticed two police officers sitting in an unmarked black Ford on the left side of the lot. § 87(2)(b) and the officers made eye contact, but § 87(2)(b) did not address the officers and they did not address him. § 87(2)(b) backed his vehicle into a parking space on the right side of the lot and turned off his vehicle. § 87(2)(b) called a friend that he was picking up to see if she was ready and § 87(2)(b) friend informed him that she was ready to leave and was waiting for him in a pizza shop on Delancey Street. Five to eight minutes after parking his vehicle, § 87(2)(b) turned his vehicle on and exited the space. At no time prior to doing so did § 87(2)(b) or § 87(2)(b) leave the vehicle.

§ 87(2)(b) § 87(2)(b) drove towards the exit of the parking lot, and as he was turning onto Essex Street, the officers in the black unmarked vehicle pulled up behind him with their lights flashing. § 87(2)(b) immediately pulled over. The officers then yelled out to him, telling him to move his car up so that he was not in the way of cars entering and exiting the lot. § 87(2)(b) complied and left his hands on the steering wheel. PO Christopher White, identified by the investigation and described as a plainclothes Hispanic male, 6'0" tall, with a medium build, salt and pepper hair, in his late 30s or early 40s, approached the driver's side of § 87(2)(b) vehicle. PO White asked § 87(2)(b) to provide his license and registration. § 87(2)(b) did not immediately do so, instead asking why he had been stopped. At that time, Sgt. Mark Vazquez, identified by the investigation and described as a plainclothes Hispanic male, 5'7" tall, with a slight build, short black hair, and in his late 30s, who was on the passenger side of the vehicle stated, "Because you didn't use your turn signal." § 87(2)(b) conceded that he had not used his turn signal and stated, "Why would I need a signal? I'm in a parking lot. Why are you bothering me anyway?"

As § 87(2)(b) spoke to the officers, he reached into his glove compartment to retrieve his insurance and registration. PO White stated, "I want to search the car." PO White however, did not say why he wanted to search § 87(2)(b) vehicle. § 87(2)(b) told PO White that he was not allowed to search the vehicle and asked why it would be necessary for PO White to do so. PO White did not respond. § 87(2)(b) gave PO White his registration, insurance, and NYS identification card § 87(2)(b) license was suspended). PO White took the documentation and both he and Sgt. Vazquez returned to their vehicle.

Five minutes later, PO White and Sgt. Vazquez returned to § 87(2)(b) vehicle. PO White who again was on the driver's side, told § 87(2)(b) and § 87(2)(b) to exit the vehicle. § 87(2)(b) and § 87(2)(b) immediately complied. PO White then told § 87(2)(b) to go to the rear of his vehicle, but remain on the driver's side. PO White told § 87(2)(b) that they would release him if they did not find any drugs or weapons in the car. PO White glanced into the vehicle via the front driver's side window before entering the vehicle. PO White sat in the seat

and started “digging,” but because of where § 87(2)(b) was positioned, he could not see where PO White searched and whether he opened any compartments. Sgt. Vazquez conducted a similar search of the passenger side of the vehicle. § 87(2)(b) was not sure if either officer searched the rear of the vehicle.

As PO White and Sgt. Vazquez searched § 87(2)(b) vehicle, PO Patrick Lynaugh, identified by the investigation and described as a plainclothes Hispanic male, 5’9” tall, with a slim build, and in his mid-30s and PO Christopher Lambe, identified by the investigation and described as a plainclothes male of an unknown race/ethnicity, 5’6”-5’7” tall, and who was in his 30s arrived at the scene in an unmarked gray Ford. PO Lynaugh and PO Lambe stood with § 87(2)(b) and § 87(2)(b) as PO White and Sgt. Vazquez searched the vehicle. A few minutes later, Sgt. Vazquez approached § 87(2)(b) and asked about a switch in his car. The switch looks similar to a light switch and is near § 87(2)(b) car radio. § 87(2)(b) told Sgt. Vazquez that there is a television screen just above the car radio and when the switch is flipped, the screen slides out from the console and flips upward. Sgt. Vazquez responded by asking where § 87(2)(b) stash box was located. § 87(2)(b) stated that he did not have a stash box in his car, and told Sgt. Vazquez that he has watched too many movies. Sgt. Vazquez responded, “If you don’t tell me where the stash box is, I’m going to take you to jail.” § 87(2)(b) did not respond. Sgt. Vazquez then told PO Lynaugh and PO Lambe to handcuff § 87(2)(b). The officers handcuffed § 87(2)(b) without difficulty. § 87(2)(b) was also handcuffed, but from where § 87(2)(b) was positioned, he could not see or hear anything that occurred between § 87(2)(b) and the officers.

The officers did not explain to § 87(2)(b) why he was under arrest, but § 87(2)(b) assumed that it was because he had a suspended license. One of the officers entered § 87(2)(b) vehicle and drove it to the 7th Precinct stationhouse, but § 87(2)(b) did not know which officer did so. As PO Lynaugh and PO Lambe escorted § 87(2)(b) to a police vehicle, § 87(2)(b) shouted, “You stopping me in a parking lot and telling me I got a stash box in my car. I got a suspended license. You gonna take me to the station for that?” Sgt. Vazquez approached, stood within inches of § 87(2)(b) and stated, “Yo, shut up.” Sgt. Vazquez then threatened to punch § 87(2)(b) in the face. § 87(2)(b) could not provide the exact language Sgt. Vazquez used. PO White then approached Sgt. Vazquez and pushed him away from § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) were transported together to the 7th Precinct stationhouse, but § 87(2)(b) did not know which vehicle they were transported in. Once at the stationhouse, § 87(2)(b) and § 87(2)(b) were brought to the front desk before being led to the holding cell area. Upon entering the stationhouse, the front desk is to the right and the door leading to the holding cell area is to the left. There were two holding cells in this area. An unidentified male was already in the holding cell area, but was released a short time later with a DAT, leaving § 87(2)(b) and § 87(2)(b) alone in the holding cell area.

While § 87(2)(b) was in the holding cell, he was “verbally disruptive” and “obnoxious.” § 87(2)(b) repeatedly yelled out, asking why he was stopped, what he did wrong, and why he was being held. § 87(2)(b) continued on in this fashion for approximately forty-five minutes before Sgt. Vazquez entered the area alone. Sgt. Vazquez pointed a taser at § 87(2)(b) face and stated, “Shut up. Get up. Turn around. You want to be an asshole? You want to ask me all these questions?” § 87(2)(b) responded, “You gonna shoot me in the face with a taser? You gonna hurt me with a taser?” Sgt. Vazquez told § 87(2)(b) “Shut up and put your hands behind your back.” When § 87(2)(b) complied, Sgt. Vazquez shoved him once in the chest and called him a “wiseass.” § 87(2)(b) was then handcuffed. § 87(2)(b) was in the neighboring cell when this occurred.

§ 87(2)(b) told Sgt. Vazquez that he wanted to go to the hospital, so officers called for an ambulance to respond to the location. § 87(2)(b) and § 87(2)(b) were transported to § 87(2)(b) and PO White and Sgt. Vazquez accompanied them. § 87(2)(b) complained of chest pain and attributed it to being pushed by Sgt. Vazquez. § 87(2)(b) received a chest x-ray and doctors did a basic exam of his person. § 87(2)(b) was not diagnosed with any injuries at this time. PO White remained with § 87(2)(b) in the hospital's prison ward while Sgt. Vazquez and § 87(2)(b) went to the mental health area because § 87(2)(b) told officers that he had mental problems.

While § 87(2)(b) waited to be discharged, he asked PO White "Why are you doing this to me?" PO White responded, "Shut up. You're crazy." § 87(2)(b) then stated, "You shut up. You don't know what you're talking about. I don't know why you're doing this to me." PO White responded, "You're a wiseass. Fucking smart aleck. You got a fucking suspended license and you're bringing us all this trouble." § 87(2)(b) replied, "Whatever." Once § 87(2)(b) was cleared to leave, PO White handcuffed him and § 87(2)(b) was taken back to the 7th Precinct stationhouse.

Two to three hours after being taken to the hospital, § 87(2)(b) returned to the stationhouse. PO White and PO Lynaugh led § 87(2)(b) to the holding cell area. There were no other civilians in the holding cell area at the time and § 87(2)(b) was still at the hospital. PO White attempted to remove the handcuffs from § 87(2)(b) wrists. PO White stood behind § 87(2)(b) and held § 87(2)(b) wrists in his hands. PO White did not have difficulty removing the handcuff from § 87(2)(b) right wrist, but § 87(2)(b) left wrist was badly swollen and PO White could not get the key in. PO White repeatedly yanked on the handcuff, grinding it into § 87(2)(b) swollen wrist and trying to pull it down past the bone. § 87(2)(b) shouted, "Yo! That hurts!" and reflexively jerked his arm outward and to the side. § 87(2)(b) did not know whether he made contact with PO White or whether PO White was affected by the jerking of his arm. PO White then shouted, however, "Ahhh! Get him! Get him!" PO White maintained his hold on § 87(2)(b) left wrist, stood on a bench, and tried to pull § 87(2)(b) arm behind his back. PO Lynaugh grabbed § 87(2)(b) right wrist. Sgt. Vazquez ran into the cell and head-butted § 87(2)(b) in the chest one time. § 87(2)(b) stumbled backwards and the back of his legs hit the bench in the holding cell. Sgt. Vazquez held § 87(2)(b) around the waist while § 87(2)(b) attempted to regain his balance. The officers did not say anything to § 87(2)(b) at this time, and § 87(2)(b) did not say anything to the officers. § 87(2)(b) heard the crackle of a taser coming from in front of him, but he did not see or know which officer had the taser. § 87(2)(b) then heard, "Get on the ground! Get on the ground!" § 87(2)(b) immediately complied, at which time the officers pulled § 87(2)(b) arms behind his back and he was handcuffed without incident. At no time did § 87(2)(b) punch, kick, or otherwise strike a police officer. At no time did § 87(2)(b) swing his handcuff at a police officer. At no time did § 87(2)(b) grab an officer by the arm, neck, or other part of their body.

The officers helped § 87(2)(b) to his feet, but left him handcuffed in the holding cell. A few minutes later, Sgt. Vazquez and PO Lynaugh returned to the holding cell and informed § 87(2)(b) that they were pressing charges against him. § 87(2)(b) was then taken to § 87(4-b) for a second time to have his wrists x-rayed. At that time, § 87(2)(b) learned that he had four torn ligaments in his left wrists and abrasions to his left shoulder. Additionally, § 87(2)(b) chest was sore. After being treated at the hospital a second time, § 87(2)(b) returned to the stationhouse where he was fingerprinted for a second time before he was taken to Central Booking. When § 87(2)(b) arrived at Central Booking he was told that he was being charged with assaulting a police officer.

Attempts to Contact Civilians

§ 87(2)(b)

On February 11, 2013, a search of the 411 and Department of Motor Vehicles databases did not provide any additional contact information for § 87(2)(b). On February 11, 2013, a search of the Department of Correction Inmate Look-Up website revealed that § 87(2)(b) was not incarcerated. On March 8, 2013, a please call letter was sent to § 87(2)(b)'s address and on March 26, 2013, this letter was returned by the United States Postal Service as "unable to forward." On April 8, 2013, a phone call was placed to the telephone number provided by a Lexis Nexis search for § 87(2)(b)'s contact information and an unidentified male answered and stated that he did not know § 87(2)(b). On April 9, 2013, the Medical Treatment of Prisoner report for § 87(2)(b) provided a new mailing address for § 87(2)(b). On April 9, 2013, a please call letter was sent to this address and on April 26, 2013, this letter was returned by the United States Postal Service as "unable to forward."

NYPD Statements:

Subject Officer: OFFICER CHRISTOPHER WHITE

- *At the time of the incident, PO White was § 87(2)(b) old. He is a white male, 5'9" tall, 200 pounds, with brown hair and hazel eyes.*
- *On August 7, 2012, PO White worked from 9:30 am to 6:05 pm, was assigned to Anti-Crime, was Sgt. Vazquez's operator in unmarked RMP# § 87(2)(b) a gray Ford Fusion, and was dressed in plainclothes.*

Memo Book: (encl. C1-3)

On August 7, 2012, PO White noted in his memo book that at 10:25 am, there was a car stop in front of 75 Essex Street for failure to signal. At 10:37 am, two individuals were placed under arrest by PO Lambe. At 10:50 am, PO White arrived at the stationhouse. At 1:06 pm, PO White transported two males perpetrators to § 87(2)(b) with PO Lynaugh: § 87(2)(b) (DOB: § 87(2)(b)) and § 87(2)(b) (DOB: § 87(2)(b)). PO White escorted § 87(2)(b) to the emergency room and PO Lynaugh escorted § 87(2)(b) to the § 87(2)(b). At 5:42 pm, PO § 87(2)(b) transported § 87(2)(b) to the 7th Precinct stationhouse from § 87(2)(b). At 5:47 pm, PO § 87(2)(b) arrived at the 7th Precinct stationhouse. At 5:50 pm, § 87(2)(b) assaulted multiple uniformed members of service. At 6:15 pm, PO White was sent to § 87(2)(b) for evaluation.

AIDED Report Worksheet: (encl. C4)

On August 7, 2012, PO White prepared an AIDED worksheet for himself after sustaining a laceration to his left hand from § 87(2)(b) swinging a handcuff inside the 7th Precinct stationhouse. In addition, PO White noted that he sustained bruising and abrasions to his left and right knees from § 87(2)(b) shoving him to the ground. The worksheet also notes that PO White sustained a bruise to his right arm from § 87(2)(b) flailing his arms. PO White received treatment at § 87(2)(b).

Line of Duty Paperwork: (encl. E1-2)

On August 7, 2012, Line of Duty paperwork was prepared for PO White for injuries he sustained in the holding cell area of the 7th Precinct stationhouse. This paperwork states that while

PO White was removing § 87(2)(b) handcuffs in order to place § 87(2)(b) into the holding cell, § 87(2)(b) pulled away from him, swinging the free handcuff and causing a small laceration to PO White's left palm. § 87(2)(b) then shoved PO White to the ground causing bruising and abrasions to his right and left knees and left leg. § 87(2)(b) flailed arms and struck PO White in the lower right arm causing a bruise.

CCRB Statement: (encl. C10-12)

On June 6, 2013, PO White was interviewed at the CCRB and provided the following statement. On August 7, 2012, at approximately 10:25 am, PO White and Sgt. Vazquez were parked in a parking lot behind 75 Essex Street in Manhattan when PO White observed a gray Ford Expedition with § 87(2)(b) seated in the driver's seat and § 87(2)(b) seated in the passenger's seat, rolling a marijuana cigarette. PO White's attention was first drawn to the vehicle because he observed people sitting inside a parked car. PO White did not know if he and Sgt. Vazquez were already parked in the parking lot before § 87(2)(b) vehicle pulled into the lot. The passenger's side window of the Expedition was rolled down, which allowed for PO White to see clearly inside of the vehicle. PO White was parked a "few" car spaces away from § 87(2)(b) vehicle. PO White "might have" discussed his observation with Sgt. Vazquez. PO White did not approach § 87(2)(b) on the basis of this observation because he was not certain that what he saw was marijuana.

§ 87(2)(b) then pulled out of the parking lot and made a southbound turn onto Essex Street and as he did so he failed to utilize his turn signal. PO White and Sgt. Vazquez stopped the vehicle for the failure to signal; PO White could not recall if he observed any other violations of the Vehicle and Traffic Law prior to stopping § 87(2)(b) vehicle.

As PO White and Sgt. Vazquez exited their RMP in order to speak with § 87(2)(b) and § 87(2)(b) PO Lambe and PO Lynaugh, who were driving northbound on Essex Street, observed the car stop in progress, made a U-turn and exited their vehicle. As PO White approached the driver's side window, PO White smelled the odor of marijuana. PO Lambe accompanied PO White to the driver's side window and PO Lynaugh went to the passenger's side of § 87(2)(b) vehicle. At the driver's side window, PO White explained to § 87(2)(b) the reason for the stop, including the fact that he now smelled the odor of marijuana and § 87(2)(b) told PO White that the officers had only pulled him over because he was black. § 87(2)(b) did not respond to PO White's assertion that he smelled the odor of marijuana. § 87(2)(b) did not make any additional statements at this time. PO White did not say anything to § 87(2)(b) Sgt. Vazquez was standing at the rear of § 87(2)(b) vehicle at this time. PO White instructed § 87(2)(b) to step out of the driver's seat, § 87(2)(b) immediately complied, and then PO White escorted him to the rear of § 87(2)(b) vehicle. PO White did not recall at what time § 87(2)(b) exited the vehicle.

At the rear of the vehicle, § 87(2)(b) stated that he "had a checkered past," and now he had started trying to help younger people, which explained the time he was spending with § 87(2)(b) PO White did not recall if § 87(2)(b) spoke in greater detail about his "checkered past" or what other statements § 87(2)(b) was making outside of the vehicle. PO White described § 87(2)(b) behavior as combative because § 87(2)(b) was yelling. PO White and the other officers repeatedly told § 87(2)(b) to calm down. PO White did not see Sgt. Vazquez make any statements to § 87(2)(b) Once § 87(2)(b) was out of his vehicle, at some point, PO White did not know when, a marijuana cigarette was recovered from inside the vehicle by PO Lambe. PO White did not see when or from where PO Lambe recovered the marijuana cigarette from the vehicle. To the best of PO White's knowledge, PO Lambe did not enter any compartments inside the vehicle in order to recover the marijuana. At no time did PO White enter or search § 87(2)(b) vehicle. PO White did not see PO Lynaugh or Sgt. Vazquez

enter or search the vehicle either. At some point PO White and § 87(2)(b) moved to the sidewalk for “safety reasons.”

§ 87(2)(b) and § 87(2)(b) were placed under arrest, however PO White did not recall who handcuffed § 87(2)(b) nor did he recall seeing § 87(2)(b) being placed into handcuffs. PO White stated that § 87(2)(b) was “upset” about being arrested and repeated that he was just “trying to help the kids.” PO White did not hear Sgt. Vazquez threaten to punch § 87(2)(b) in the face or otherwise threaten him with the use of force. § 87(2)(b) and § 87(2)(b) were transported back to the 7th Precinct stationhouse, though PO White did not recall which officers transported the prisoners. § 87(2)(b) vehicle was also driven back to the stationhouse, however PO White did not know who drove the vehicle to the stationhouse.

When § 87(2)(b) was brought in front of the stationhouse desk, § 87(2)(b) demeanor was “indifferent,” and PO White did not recall him yelling. Both § 87(2)(b) and § 87(2)(b) were placed into a holding cell. PO White observed § 87(2)(b) in the holding cell for “a couple minutes,” however nothing in particular was memorable about § 87(2)(b) demeanor at this time. PO White stated that there was not an incident inside the holding cell with § 87(2)(b) at this time. § 87(2)(b) did not appear to be injured. § 87(2)(b) complained of a medical ailment, perhaps asthma, as did § 87(2)(b) and both prisoners were transported to § 87(2)(b) for treatment. PO White went to the emergency room with § 87(2)(b) and PO Lambe went to § 87(2)(b) which is in a different part of the hospital complex, with § 87(2)(b).

PO White was with § 87(2)(b) for approximately four-and-a-half hours in the emergency room where § 87(2)(b) continued to “rant and cause a loud scene.” § 87(2)(b) was yelling and screaming, repeatedly saying, mistakenly, that the gang unit (of which PO White is not a part) had arrested him for a suspended license. Several times PO White asked § 87(2)(b) to respect the other people in the emergency room, however he did not use any profanity or refer to him as a “wiseass.” At no time in the emergency room did § 87(2)(b) allege that an officer had pushed him or cursed at him. § 87(2)(b) was transported back to the stationhouse by PO White. At no point at the hospital was PO White relieved by any other officer. PO White was the only officer at the hospital with § 87(2)(b).

Back at the stationhouse, § 87(2)(b) was initially quiet. PO White placed § 87(2)(b) back into a holding cell and with the cell door still open, PO White instructed § 87(2)(b) to turn his back to him so that he could take off his handcuffs. PO White did not recall any other officers being present in the holding cell with him at this time. Once § 87(2)(b) had his back to PO White, PO White told § 87(2)(b) that once he has removed the handcuffs, § 87(2)(b) should place his hands onto this head. PO White removed the left handcuff and § 87(2)(b) then pulled his right arm out of PO White’s control and swung it up towards PO White’s head. PO White ducked his head out of harm’s way, but the loose handcuff struck PO White’s left hand, causing a laceration. § 87(2)(b) then shoved PO White to the ground. Sgt. Vazquez entered the holding cell and attempted to gain “voluntary compliance” from § 87(2)(b) however PO White was on the ground and did not see what Sgt. Vazquez was doing. Later on, Sgt. Vazquez told PO White that he was placed into a headlock by § 87(2)(b) which caused an injury to his neck. At some point, Lt. Carrasco entered the holding cell area, but not the holding cell, and said something to the effect of, “Watch out, I’m going to deploy the taser.” In response, § 87(2)(b) voluntarily laid down on his chest and under his own volition, placed his hands behind his back, a position from which officers were able to place him in handcuffs. Lt. Carrasco did not deploy the taser at any point. Aside from Sgt. Vazquez and Lt. Carrasco, PO White did not know what other officers were in the holding cell area at this time.

Subject Officer: SERGEANT MARK VAZQUEZ

- *At the time of the incident, Sgt. Vazquez was § 87(2)(b) old. He is a Hispanic male, 5'11" tall, 185 pounds with brown hair and brown eyes.*
- *On August 7, 2012, Sgt. Vazquez worked from 9:26 am to 6:10 pm, was assigned to Anti-Crime with PO White, was dressed in plainclothes, and assigned to unmarked RMP #1672, a black Ford Fusion.*

Memo Book: (encl.C14-15)

On August 7, 2012, Sgt. Vazquez noted in his memo book that at 10:25 am, he effected a car stop in front of 75 Essex Street. At 10:37 am, two individuals were placed under arrest by PO Lambe for § 87(2)(b). At 6:00 pm, defendant § 87(2)(b) assaulted multiple uniformed Members of Service causing injuries, including a neck injury. At 6:30 pm, Sgt. Vazquez was removed to the § 87(2)(b).

AIDED Report Worksheet: (encl. C16)

On August 7, 2012, Sgt. Vazquez prepared an AIDED worksheet for injuries he sustained inside the 7th Precinct stationhouse. Sgt. Vazquez noted in the worksheet that while he was in the holding cell area attempting to restrain § 87(2)(b) whom Sgt. Vazquez described as an "emotionally disturbed" prisoner, § 87(2)(b) placed Sgt. Vazquez in a headlock, which caused pain to his neck and an abrasion to his face. Sgt. Vazquez was treated for his injuries at § 87(2)(b).

Line of Duty Paperwork: (encl. E3-4)

On August 7, 2012, Line of Duty paperwork was prepared for Sgt. Vazquez for injuries he sustained in the holding cell area of the 7th Precinct stationhouse. This paperwork states that Sgt. Vazquez was attempting to restrain an emotionally disturbed person, § 87(2)(b) inside the holding cell when § 87(2)(b) suddenly placed him in a headlock. § 87(2)(b) then pulled upward and caused injury to Sgt. Vazquez's neck and face. Sgt. Vazquez suffered an abrasion to his left cheek and pain to the left side of his face.

CCRB Statement: (encl. C22-24)

On June 5, 2013, Sgt. Vazquez was interviewed at the CCRB and provided the following statement. On August 7, 2012, PO White and Sgt. Vazquez pulled into a parking lot at 75 Essex Street in Manhattan. Upon pulling into the parking lot, PO White parked their unmarked RMP rear-first into a parking spot a "a few" car-widths away from a gray SUV in which § 87(2)(b) was observed rolling a marijuana cigarette. § 87(2)(b) was seated in the driver's seat and § 87(2)(b) was seated in the passenger's seat. Sgt. Vazquez then observed § 87(2)(b) light this marijuana cigarette and then pull out of his parking spot. Sgt. Vazquez was uncertain of how much time had elapsed between the time that the officers pulled into the lot and when § 87(2)(b) pulled his vehicle out of its parking spot. PO White also pulled out of his parking spot and followed § 87(2)(b) vehicle. While Sgt. Vazquez and PO White were in the parking lot with § 87(2)(b) vehicle, the officers did not have any interaction with § 87(2)(b) or § 87(2)(b). As the officers drove through § 87(2)(b) vehicle's wake the officers detected the odor of marijuana. Sgt. Vazquez stated that he was certain at this time that § 87(2)(b) and § 87(2)(b) were smoking marijuana. When § 87(2)(b) made a left-hand turn into traffic on Essex Street, § 87(2)(b) failed to utilize his turn signal. Sgt. Vazquez did not recall if he observed any other violations of the Vehicle and Traffic Law prior to stopping § 87(2)(b) vehicle. PO White and Sgt. Vazquez then stopped § 87(2)(b) vehicle on Essex Street.

PO Lynaugh and PO Lambe pulled up behind PO White and Sgt. Vazquez's RMP just as the officers initiated the car stop. All four officers exited their RMPs and approached § 87(2)(b) vehicle. Sgt. Vazquez did not recall the position of the officers around § 87(2)(b) vehicle, but he "thought" that he stood on the passenger's side of the vehicle. Sgt. Vazquez could not hear any conversation between the officers on the driver's side of the vehicle and § 87(2)(b) from his position on the passenger's side. Upon approaching the vehicle, the officers discovered a marijuana cigarette inside the vehicle and placed § 87(2)(b) and § 87(2)(b) both under arrest. Sgt. Vazquez did not know from where this marijuana was recovered because he did not recover it. Sgt. Vazquez was not sure which officer recovered the marijuana, but speculated that it was the arresting officer, PO Lambe. Sgt. Vazquez did not recall discussing with PO Lambe the location from which the marijuana was recovered. Sgt. Vazquez stated that the marijuana was recovered from someplace inside the vehicle, and not on either § 87(2)(b) or § 87(2)(b)'s person. Sgt. Vazquez did not recall if at any point he entered § 87(2)(b) vehicle.

Sgt. Vazquez did not know who handcuffed § 87(2)(b). Sgt. Vazquez was not sure if he observed § 87(2)(b) be handcuffed. As soon as § 87(2)(b) was handcuffed, he became "irate." Sgt. Vazquez could not recall specifically what § 87(2)(b) was saying, but stated that § 87(2)(b) was cursing, screaming, and yelling. Sgt. Vazquez told both § 87(2)(b) and § 87(2)(b) that they would try to give both men a Desk Appearance Ticket. Sgt. Vazquez speculated that § 87(2)(b) became upset because he knew he would not be able to receive a DAT because § 87(2)(b) knew that he had several previous felony convictions. At no time at the arrest location did Sgt. Vazquez threaten to punch § 87(2)(b) in the face or otherwise threaten him with physical force. Sgt. Vazquez did not hear any other officer threaten to punch § 87(2)(b) in the face. Sgt. Vazquez transported § 87(2)(b) to the 7th Precinct stationhouse.

At the stationhouse, § 87(2)(b) was still "irate" and he demanded to be brought to the hospital because he was having breathing problems on account of his asthma. § 87(2)(b) did not appear to have injuries at this time. The officers lodged § 87(2)(b) in the holding cell, and § 87(2)(b) continued to be upset, kicking the cell door and screaming loudly. § 87(2)(b) continued to ask that he be brought to the hospital. "A bunch" of officers, likely PO White and a few other Anti-Crime officers who Sgt. Vazquez could not recall, approached the entrance to the holding cell in order to handcuff and then remove § 87(2)(b) from the holding cell. As the officers prepared to enter, Sgt. Vazquez unholstered his taser in case § 87(2)(b) presented a threat to the officers' safety when it came time to handcuff § 87(2)(b) again. Once the officers entered the holding cell, § 87(2)(b) complied and allowed himself to be handcuffed without incident. Sgt. Vazquez speculated that the officers told § 87(2)(b) to put his hands behind his back. Sgt. Vazquez could not recall if § 87(2)(b) said anything in response. Sgt. Vazquez did not recall who handcuffed § 87(2)(b). Sgt. Vazquez did not say anything to § 87(2)(b) at this time and § 87(2)(b) did not say anything to him. Neither Sgt. Vazquez nor any of the other officers present at this time pushed or shoved § 87(2)(b) while he was being handcuffed. Neither Sgt. Vazquez nor any of the other officers present at this time referred to § 87(2)(b) as an "asshole" or use any other profanity towards § 87(2)(b). Once § 87(2)(b) was in handcuffs, his demeanor did not change and he remained upset. § 87(2)(b) told § 87(2)(b) to come to the hospital as well. § 87(2)(b) was transported to § 87(2)(b) by PO § 87(2)(b) and § 87(2)(b) was transported to the hospital by an officer that Sgt. Vazquez could not recall.

At approximately 5:30 pm, § 87(2)(b) re-entered the stationhouse having been released from the hospital. As soon as § 87(2)(b) entered the stationhouse he said that he wanted to be brought back to the hospital. Lt. Carrasco heard this remark and told § 87(2)(b) that he could not go back to the hospital because he had just been released from the hospital. While Sgt.

Vazquez was standing at the front desk, PO White escorted § 87(2)(b) back into the holding cell. Though he was not present in the holding cell area at this time, Sgt. Vazquez later heard that when PO White unhandcuffed one of § 87(2)(b)'s hands, § 87(2)(b) swung at PO White, causing a laceration to PO White's hand with the unsecured handcuff. Numerous officers, some that Sgt. Vazquez had never even seen before, ran into the holding cell area to try to subdue § 87(2)(b). These officers running into the holding cell area was what drew Sgt. Vazquez's attention to the incident that was unfolding inside and he left the desk and went to the holding cell area too. When Sgt. Vazquez entered the holding cell area he observed several officers trying to hold § 87(2)(b)'s arms while § 87(2)(b) swung his arms. Sgt. Vazquez tried to grab for § 87(2)(b)'s left leg in order to bring § 87(2)(b) down to the ground in a seated position. While Sgt. Vazquez was hunched down in front of § 87(2)(b) in order to grab his leg, § 87(2)(b) grabbed Sgt. Vazquez around the neck, placing him into a headlock for five to seven seconds. § 87(2)(b) then squeezed very hard and lifted Sgt. Vazquez slightly off of the ground. Sgt. Vazquez heard a popping sound in his neck, which resulted in an injury to his neck. Sgt. Vazquez did recall what, if any, directive other officers were giving to § 87(2)(b) at this time. Other officers were pushing on § 87(2)(b)'s shoulders at this time and Sgt. Vazquez used his arms to push § 87(2)(b) off of him. § 87(2)(b) released Sgt. Vazquez and Sgt. Vazquez backed away from him. Then, Lt. Carrasco walked into the holding cell holding a taser and said, "Everyone back up." All of the officers (approximately five or six of them) backed away from § 87(2)(b) and § 87(2)(b) saw that Lt. Carrasco was holding a taser. § 87(2)(b) stopped struggling with the officers and was subdued.

Subject Officer: LIEUTENANT EDWARD CARRASCO

- *At the time of the incident, Lt. Edward Carrasco was § 87(2)(b) old. He is a Hispanic male, 5'2" tall, 170 pounds, with black hair and brown eyes.*
- *On August 7, 2012, Lt. Carrasco worked from 2:45 pm to 11:30 pm, was assigned to Desk Officer and was dressed in uniform.*

Memo Book: (encl.)

On August 7, 2012, Lt. Carrasco worked at the 7th Precinct stationhouse's desk and thus, was not required to make memo book entries.

CCRB Statement: (encl. C26-27)

On June 5, 2013, Lt. Carrasco was interviewed at the CCRB and provided the following statement. On August 7, 2012, at approximately 5:55 pm, Lt. Carrasco was working at the 7th Precinct stationhouse's desk. § 87(2)(b) was brought back to the stationhouse by PO White and PO Lambe after having been discharged from § 87(2)(b). When § 87(2)(b) was brought before Lt. Carrasco at the desk, § 87(2)(b) said that he wanted to go back to the hospital. Lt. Carrasco told § 87(2)(b) that he had already been cleared by the hospital, which is why he had been brought back to the stationhouse. Nevertheless, Lt. Carrasco told § 87(2)(b) he was willing to call an ambulance, but § 87(2)(b) had to be placed in a holding cell while they waited for ambulance to arrive to the stationhouse. PO White and PO Lambe escorted § 87(2)(b) into the holding cell area and then into a holding cell by PO White. Lt. Carrasco was later told that at this time PO White removed one of § 87(2)(b)'s handcuffs and § 87(2)(b) swung the hand that still had the handcuffs on it at PO White. § 87(2)(b) then started to resist PO White's and PO Lambe's attempts to control him. From the desk, Lt. Carrasco heard the sounds of a scuffle and officers saying, "Put your hands behind your back," which drew his attention to the holding cell area. Lt. Carrasco left the desk, entered the holding cell area, and saw that § 87(2)(b) had placed Sgt. Vazquez into a headlock, while "a couple of" other

officers were trying to pull § 87(2)(b) arms behind his back, and saying, "Stop resisting." Lt. Carrasco recalled only that PO White, PO Lambe, and Sgt. Vazquez were in the holding cell with § 87(2)(b) and though he stated that there were "probably" other officers in the holding cell, he could not recall who these officers were. At no time did Lt. Carrasco become physically involved in trying to restrain § 87(2)(b). Lt. Carrasco grabbed a taser and told the officers in the holding cell to stand back. § 87(2)(b) immediately stopped resisting the officers' attempts to place him back into handcuffs. § 87(2)(b) was immediately placed back into handcuffs without any further difficulty. Lt. Carrasco did not recall issuing any other commands to § 87(2)(b). Lt. Carrasco did not observe any injuries on § 87(2)(b) at this time, nor did he hear § 87(2)(b) complain about sustaining any injuries.

Witness Officer: OFFICER CHRISTOPHER LAMBE

- *At the time of the incident, PO Christopher Lambe was § 87(2)(b) old. He is a white male, 5'10" tall, 180 pounds, with brown hair and brown eyes.*
- *On August 7, 2012, PO Lambe worked from 9:30 am to 6:05 pm, was assigned to Anti-Crime, was working in plainclothes with PO Lynaugh, and was assigned to an unmarked, silver Crown Victoria.*

Memo Book: (encl. C28-31)

On August 7, 2012, PO Lambe noted in his memo book at 10:30 am he effected a car stop at 75 Essex Street. At 10:37 am, two individuals had been placed under arrest from the location. The defendants' information: Defendant number one – § 87(2)(b) of § 87(2)(b), DOB: § 87(2)(b) charged with § 87(2)(b) complaint # § 87(2)(b) arrest # § 87(2)(b) driving a 2002 grey Ford Expedition, NY registration number § 87(2)(b) Defendant number two – § 87(2)(b) of § 87(2)(b) DOB: § 87(2)(b) charged with § 87(2)(b) Complaint # § 87(2)(b) arrest # § 87(2)(b) NYSID # § 87(2)(b) At 3:30 pm, PO Lambe screened the case with ADA supervisor Carter who advised that someone will return call in one hour. At 5:15 pm, PO Lambe noted that he was relieving PO Lynaugh and PO White at § 87(2)(b) At 7:45 pm, PO Lambe was transporting § 87(2)(b) to the 7th Precinct stationhouse. At 11:30 pm, PO Lambe spoke with ADA Patterthwaite to draw up the case. At 12:15 am on August 8, 2012, PO Lambe noted the release of the vehicle, 2002 Ford Expedition NY registration number § 87(2)(b) VIN § 87(2)(b) to registered owner § 87(2)(b) of § 87(2)(b) At 12:20 am, § 87(2)(b) accepted custody of the vehicle and all contents therein. At 12:30 am, PO Lambe noted some delayed entries from 8:00 pm on August 7, 2012. PO Lambe was advised by PO White and Sgt. Vazquez of an assault which occurred in the 7th Precinct cell area where the above UMOS sustained injuries from Defendant § 87(2)(b) There was a re-arrest of § 87(2)(b) of § 87(2)(b) DOB: § 87(2)(b) – complaint # § 87(2)(b) arrest # § 87(2)(b) NYSID # § 87(2)(b) – vouchers generated are as follows § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) for credit card, marijuana, wallet, cell phone, cell phone respectively. PO Lambe noted that this was the end of the delayed entries. At 12:35 am, PO Lambe spoke with ADA Patterthwaite to draw up all charges, completed and faxed sworn affidavit and confirmed receipt. At 1:35 am, PO Lambe completed vouchering.

OLBS Worksheets: (encl. C34-36, C39-41)

On August 7, 2013, PO Lambe arrested § 87(2)(b) in front of 75 Essex Street for § 87(2)(a) 160.50

Later in the day on August 7, 2012, PO Lambe arrested § 87(2)(b) inside the 7th Precinct's stationhouse for § 87(2)(b). PO Lambe described in the arrest report's narrative that § 87(2)(b) intentionally swung a handcuff and caused a laceration to a uniformed Member of Service's hand. § 87(2)(b) then placed a uniformed Member of Service in a headlock, which caused a snapping sound and substantial pain.

CCRB Statement: (encl. C50-52)

On April 15, 2013, PO Lambe was interviewed at the CCRB and provided the following statement. On August 7, 2012, at approximately 10:30 am, PO Lambe was driving past 75 Essex Street in Manhattan when he observed PO White and Sgt. Vasquez pull over § 87(2)(b) on the opposite side of the street. PO Lambe performed a U-turn, pulled up to the location of the car stop and exited his RMP. PO Lambe immediately approached Sgt. Vasquez and PO White to inquire about the reason for the stop. Sgt. Vasquez and PO White explained that they had observed § 87(2)(b) and § 87(2)(b) smoking inside their vehicle while it was parked in the parking lot next to 75 Essex Street. Sgt. Vasquez and PO White had not yet interacted with § 87(2)(b) or § 87(2)(b) and, as a result, did not know what the men had been smoking. Sgt. Vasquez and PO White said that they had further observed § 87(2)(b) make a right hand turn out of the parking lot onto Essex Street and as § 87(2)(b) was turning, he failed to utilize his turn signal.

PO White and PO Lambe approached the driver's side of § 87(2)(b) vehicle and PO Lynaugh approached the passenger's side. PO Lambe did not recall if Sgt. Vasquez approached the vehicle. PO Lambe smelled a strong odor of marijuana radiating from the vehicle as he approached. PO Lambe asked § 87(2)(b) for his license, registration, and insurance. PO Lambe did not recall if § 87(2)(b) said anything in response, though § 87(2)(b) did provide the requested documentation. The officers asked § 87(2)(b) and § 87(2)(b) to step out of the vehicle and § 87(2)(b) and § 87(2)(b) stepped out of the vehicle. PO Lambe did not recall if § 87(2)(b) made any statements at the time that he exited his vehicle. PO Lambe asked if § 87(2)(b) and § 87(2)(b) had been smoking and they said that they had not. Neither § 87(2)(b) nor § 87(2)(b) provided a reason as to why the vehicle smelled of marijuana. After § 87(2)(b) and § 87(2)(b) had exited the vehicle, PO Lambe observed a halfway-burnt marijuana cigarette in the center console area of § 87(2)(b) vehicle. PO Lambe recovered this marijuana cigarette and informed Sgt. Vasquez that he had done so. While at the arrest location, PO Lambe did not search any part of the vehicle, nor did he recall any of the other officers who were present searching the vehicle. § 87(2)(b) did not say anything about the marijuana cigarette. § 87(2)(b) and § 87(2)(b) were promptly handcuffed. PO Lambe did not recall which officer handcuffed § 87(2)(b). PO Lambe stated that the officer who handcuffed § 87(2)(b) did not appear to have any difficulty handcuffing § 87(2)(b). PO Lambe said the officer who handcuffed § 87(2)(b) also did not appear to have any difficulty doing so. PO Lambe stated that § 87(2)(b) verbally protested many of the actions the officers were taking, but he did not recall any specific statements that § 87(2)(b) made. § 87(2)(b) was using profanity while he was making these protestations. Neither PO Lambe nor any other officer specifically addressed any of § 87(2)(b) verbalized concerns. PO Lambe did not observe any interactions that § 87(2)(b) had with Sgt. Vasquez. Neither PO Lambe nor any other officer

threatened to punch § 87(2)(b) in the face nor did any officer make any threat of force against § 87(2)(b) and § 87(2)(b) were transported back to the 7th Precinct stationhouse. PO White drove § 87(2)(b) vehicle back to the 7th Precinct stationhouse. PO Lambe saw § 87(2)(b) while he was standing in front of the desk officer at the 7th Precinct stationhouse and though he was “agitated,” PO Lambe stated that § 87(2)(b) was less agitated than he was while on Essex Street. PO Lambe could not recall what statements § 87(2)(b) was making at the stationhouse, but said that § 87(2)(b) was saying that he should not be arrested for “half a joint.” After § 87(2)(b) stood in front of the desk officer, PO Lambe lodged § 87(2)(b) in a holding cell. § 87(2)(b) did not engage PO Lambe in any conversation while § 87(2)(b) was being lodged. Once § 87(2)(b) was in the holding cell, his behavior calmed considerably. PO Lambe did not recall any officer entering the holding cell area and engaging § 87(2)(b) in conversation. While in the holding cell area, neither PO Lambe nor any other officer referred to § 87(2)(b) as an “asshole” or a “wiseass.” While in the holding cell, § 87(2)(b) was not handcuffed. PO Lambe observed § 87(2)(b) be handcuffed again in order to transport him to § 87(2)(b) but PO Lambe did not recall which officer handcuffed him. PO Lambe stated that the officer who handcuffed § 87(2)(b) in order to transport him to the hospital did not have any difficulty in doing so. Neither PO Lambe nor any other officer pushed or shoved § 87(2)(b) while he was in the holding cell area.

PO Lynaugh and PO White transported § 87(2)(b) to § 87(2)(b) and PO Lambe eventually came to relieve these officers. When PO Lambe arrived at the hospital, § 87(2)(b) and § 87(2)(b) were still there, but PO Lambe stated that he was not at § 87(2)(b) with PO White at the same time. § 87(2)(b) was medically cleared for arraignment before § 87(2)(b) and, as a result, § 87(2)(b) was removed from the hospital, while PO Lambe stayed at § 87(2)(b) waiting for § 87(2)(b) to be cleared. PO Lambe left the hospital at 7:45 pm with § 87(2)(b) and returned to the 7th Precinct stationhouse in approximately six minutes. PO Lambe did not witness an incident in the holding cells with § 87(2)(b) as he was at the hospital with § 87(2)(b) at the time it occurred.

Witness Officer: OFFICER PATRICK LYNAUGH

- *At the time of the incident, PO Patrick Lynaugh was § 87(2)(b) old. He is a white male, 5’10” tall, 165 pounds, with brown hair and blue eyes.*
- *On August 7, 2012, PO Lynaugh worked from 9:30 am to 9:00 pm, was assigned to Anti-Crime with PO Lambe, was dressed in plainclothes and was assigned to unmarked RMP #§ 87(2)(b) a gray 4 door sedan.*

Memo Book: (encl. C54-56)

On August 7, 2012, PO Lynaugh noted in his memo book that at 10:25 am, he assisted Crime 1 in a car stop at Essex and Broome (in the vicinity of 75 Essex Street). At 10:37 am, two individuals were placed under arrest at the location by PO Lambe. At 1:06 pm, PO Lynaugh transported two males to § 87(2)(b) with EMS and PO White. At 5:42 pm, PO Lynaugh transported one male perpetrator to the 7th Precinct stationhouse with PO White from § 87(2)(b). At 5:47 pm, PO Lynaugh arrived at the 7th Precinct stationhouse. At 5:50 pm, PO Lynaugh lodged a prisoner and while trying to do so the male perpetrator swung open handcuff at PO White hitting him in the hand. Multiple officers tried to control male perpetrator from harming others. At 6:15 pm, PO Lynaugh escorted two Members of Service to the hospital in regards to male perpetrator’s assaults on police officers. At 8:45 pm, PO Lynaugh noted that he was en route from the hospital.

Line of Duty Witness Statements: (encl. C57-58)

On August 7, 2013, PO Lynaugh prepared two witness statement for the injuries he saw PO White and Sgt. Vazquez sustain inside the holding cell area of the 7th Precinct stationhouse's holding cell area. PO Lynaugh noted that while PO White was lodging § 87(2)(b) became "irate" and swung his free hand (to which the handcuffs were still secured) at PO White, striking him in the hand and causing injury. Regarding Sgt. Vazquez's injury, PO Lynaugh noted that while Sgt. Vazquez was assisting PO White with an "irate" prisoner, § 87(2)(b) Sgt. Vazquez was placed into a "front headlock," which caused injury to his neck.

CCRB Statement: (encl. C59-61)

On April 17, 2013, PO Lynaugh was interviewed at the CCRB and provided the following statement. On August 7, 2012, at approximately 10:25 am, PO Lynaugh and PO Lambe observed a car stop that PO White and Sgt. Vazquez had initiated in the vicinity of 75 Essex Street in Manhattan and they pulled over in order to assist in the stop. PO Lynaugh approached the passenger's side of the vehicle and did not observe anything suspicious about the vehicle's interior. PO White was on the passenger's side of the vehicle when PO Lynaugh approached and Sgt. Vazquez and PO Lambe were on the driver's side of the vehicle. The driver of the vehicle, known to the investigation as § 87(2)(b) was very angry about being pulled over by the officers and he was yelling and screaming. PO Lynaugh was not certain if § 87(2)(b) provided his documentation to the officers because he did not interact with § 87(2)(b) PO Lynaugh did not say anything to the passenger of the vehicle, an individual known to the investigation as § 87(2)(b) PO Lambe and Sgt. Vazquez smelled the odor of marijuana and they instructed § 87(2)(b) and § 87(2)(b) to exit the vehicle, at which time they were arrested. PO Lynaugh did not smell the odor of marijuana coming from the vehicle until after § 87(2)(b) and § 87(2)(b) exited, at which time he could smell marijuana. Though PO Lynaugh was present for § 87(2)(b) handcuffing, PO Lynaugh did not know who handcuffed him and said that it "could have been anyone" on the team. PO Lynaugh did not recall if the officer who handcuffed § 87(2)(b) had any difficulty doing so. PO Lynaugh did not overhear any conversation between § 87(2)(b) and Sgt. Vazquez. PO Lynaugh did not know who placed § 87(2)(b) inside of a police vehicle, nor did he know who transported § 87(2)(b) to the 7th Precinct stationhouse. PO Lynaugh did not hear Sgt. Vazquez or any other officer tell § 87(2)(b) that he would punch § 87(2)(b) in the face or otherwise threaten to use any force against § 87(2)(b). After § 87(2)(b) and § 87(2)(b) were taken to the stationhouse, § 87(2)(b) vehicle was driven to the stationhouse by an officer PO Lynaugh did not recall. PO Lynaugh did not know whether or not any other action, including searching the vehicle, was taken prior to § 87(2)(b) vehicle being brought to the stationhouse.

At the 7th Precinct stationhouse, PO Lynaugh saw § 87(2)(b) inside the holding cell and § 87(2)(b) was yelling, screaming, and generally upset that he had been arrested for § 87(2)(b). PO Lynaugh did not recall specifically what § 87(2)(b) was saying. PO Lynaugh did not know if any officer addressed § 87(2)(b) behavior while standing outside of the holding cell. PO Lynaugh stated that his rank prevents him from having access to a taser. PO Lynaugh did not hear or see any officer threaten to taser § 87(2)(b) or point a taser at § 87(2)(b) while he was in the holding cell.

At some point while they were in the holding cells, § 87(2)(b) complained of an ailment unknown to PO Lynaugh and requested that he be brought to the hospital. PO Lynaugh did not hear an explanation from § 87(2)(b) about the root cause for the ailment for which he had requested medical treatment nor did PO Lynaugh overhear § 87(2)(b) explanation for the cause of his ailment to anyone else. § 87(2)(b) also complained of an ailment unknown to PO Lynaugh and asked to be brought to the hospital as well. PO Lynaugh's sergeant instructed PO

Lynaugh and PO White to bring § 87(2)(b) and § 87(2)(b) to the hospital. When it was time for § 87(2)(b) to be taken to the hospital he was handcuffed, however, PO Lynaugh did not know who did this nor did he see this happen. Prior to § 87(2)(b) going to the hospital, PO Lynaugh did not observe any officer enter the holding cell with § 87(2)(b). PO Lynaugh did not hear any officer tell § 87(2)(b) that he was an “asshole,” or a “wise ass” or otherwise use any profanity towards § 87(2)(b) while he was in the holding cell. PO Lynaugh did not observe any officer push, strike, or shove § 87(2)(b) while he was in the holding cell and before having been brought to the hospital.

PO Lynaugh and PO White transported § 87(2)(b) and § 87(2)(b) to the hospital and PO Lynaugh stayed in the hospital with § 87(2)(b) and PO White stayed with § 87(2)(b). PO Lynaugh accompanied § 87(2)(b) to several different locations in the hospital, however at no point did he overhear a conversation between § 87(2)(b) and PO White while they were at the hospital because the officers were separated from each other.

Eventually § 87(2)(b) was cleared for release from the hospital and PO Lambe came to relieve PO Lynaugh from staying with § 87(2)(b). Subsequently, PO Lynaugh and PO White transported § 87(2)(b) back to the 7th Precinct stationhouse.

At the stationhouse, PO White entered a holding cell with § 87(2)(b) in order to lodge him. PO Lynaugh stated that § 87(2)(b) was the only prisoner in the holding cell area at this time. PO White took off one of § 87(2)(b) handcuffs, and § 87(2)(b) immediately swung the hand that still had a handcuff on it at PO White, striking and injuring PO White’s hand. PO Lynaugh was just outside of the holding cell when this happened and observed this take place. Nevertheless, PO Lynaugh did not overhear any conversation between PO White and § 87(2)(b) prior to § 87(2)(b) striking PO White with the handcuff. As soon as § 87(2)(b) struck PO White, PO Lynaugh and Sgt. Vazquez entered the holding cell in order to try to subdue § 87(2)(b). PO Lynaugh stated that other officers entered the holding cell in order to help, however PO Lynaugh did not know who these officers were. Upon entering the holding cell, PO Lynaugh attempted to grab § 87(2)(b) right arm, the one that still had the handcuff on it, and Sgt. Vazquez also attempted to grab § 87(2)(b) arm. PO Lynaugh did not know if any other officers attempted to grab § 87(2)(b) left arm, stating that the scene was too hectic to know what the other officers were doing. § 87(2)(b) soon placed Sgt. Vazquez into a headlock and PO Lynaugh then focused his attention on “popping” Sgt. Vazquez out of this headlock. PO Lynaugh pushed on § 87(2)(b) arm in order to free Sgt. Vazquez and at the same time Sgt. Vazquez sat down on a bench inside the cell. Then, Lt. Carrasco entered the holding cell and said, “Get back, I have the taser.” § 87(2)(b) immediately stopped struggling with Sgt. Vazquez and the other officers and he got onto ground. Once § 87(2)(b) got himself onto the ground he was promptly handcuffed. PO Lynaugh estimated that the entire struggle lasted approximately 20 seconds. During this struggle, PO Lynaugh did not punch, kick, or strike § 87(2)(b) and he strictly tried to pull § 87(2)(b) arm off of Sgt. Vazquez. At no point during the struggle did PO Lynaugh observe Sgt. Vazquez or any other officer head-butt § 87(2)(b). Once § 87(2)(b) was in handcuffs, PO Lynaugh did not hear § 87(2)(b) complain of any injuries.

PO White suffered lacerations to his hand and Sgt. Vazquez hurt his neck and back as a result of this incident.

Medical Records (encl. D1 and Privileged Materials)

On § 87(2)(b) at § 87(2)(b), § 87(2)(b) arrived at § 87(2)(b). § 87(2)(b) complained of “pain across his chest wall,” and stated, “the police punched me in the chest.” § 87(2)(b) was advised to take Ibuprofen for his pain. Then, on § 87(2)(b), at § 87(2)(b) § 87(2)(b)

§ 87(2)(b) again arrived at § 87(2)(b). § 87(2)(b) complained of left wrist pain after being handcuffed. § 87(2)(b) was diagnosed with a contusion to his left wrist.

NYPD Documents

Property Vouchers: (encl. E9)

On August 7, 2012, PO Lambe vouchered a partially burnt marijuana cigarette as arrest evidence for both § 87(2)(b) and § 87(2)(b).

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- On October 3, 2013, a Notice of Claim inquiry was submitted to the New York City Comptroller's Officer. To date, the inquiry has not been answered, but the response will be included in the case file upon its receipt at the CCRB (encl. F6).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Civilians' CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A7).
- This is the first CCRB complaint involving § 87(2)(b) (encl. A8).

Subject Officers' CCRB History

- PO Christopher White has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. A1-2).
- Sgt. Mark Vazquez has been a member of the service for 10 years and there are three substantiated CCRB allegations against him. In CCRB case number 201105740, a search/

entry allegation, a threat to damage property allegation, and a discourtesy allegation were substantiated against him (encl. A3-5).

- Lt. Edward Carrasco has been a member of the service for eighteen years and there are no substantiated CCRB allegations against him (encl. A6).

Conclusion

Identification of Subject Officers

During their interviews at the CCRB, PO White, Sgt. Vazquez, and Lt. Carrasco all acknowledged their participation in the incident.

Investigative Findings and Recommendations

- **Allegation A) Abuse of Authority: At 75 Essex Street in Manhattan, PO Christopher White searched the car in which § 87(2)(b) was an occupant.**
- **Allegation B) Abuse of Authority: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez searched the car in which § 87(2)(b) was an occupant.**

§ 87(2)(b) alleged that after he and § 87(2)(b) were removed from the vehicle and § 87(2)(b) was standing at the rear of the vehicle, PO White searched the front driver's seat of the vehicle and Sgt. Vazquez then searched the front passenger's seat. § 87(2)(b) could not specifically describe where the officers were searching beyond those general areas and said that the searches lasted several minutes, including a brief break in which Sgt. Vazquez asked § 87(2)(b) about a "stash box" that § 87(2)(b) denied his vehicle had equipped.

PO White and Sgt. Vazquez both stated that after observing § 87(2)(b) roll a marijuana cigarette in his parked vehicle and light this cigarette, they then smelled a strong odor of marijuana upon approaching the vehicle. PO Lambe stated that he recovered a burnt marijuana cigarette around the console area of § 87(2)(b) vehicle in "plain view." § 87(2)(g) PO Lambe later vouchered a burnt marijuana cigarette following § 87(2)(b) and § 87(2)(b)'s arrests.

People v. Mena, 87 A.D.3d 946 (Supreme Court of New York, 2011) (encl. i) upholds the long-standing "automobile exception," allows that detecting the odor of marijuana upon effecting a car stop will provide officers with the basis for a full search of the vehicle, including the vehicle's trunk.

§ 87(2)(g)

- **Allegation C) Abuse of Authority: At 75 Essex Street in Manhattan, Sgt. Mark Vazquez threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that Sgt. Vazquez told him, "If you don't tell me where the stash box is, I'm going to take you to jail." Sgt. Vazquez denied making this statement and none of the officers on the scene heard Sgt. Vazquez make this remark or otherwise threaten to arrest § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

- **Allegation D) Abuse of Authority: At 75 Essex Street in Manhattan and at the 7th Precinct stationhouse, Sgt. Mark Vazquez threatened § 87(2)(b) with the use of force.**
- **Allegation E) Discourtesy: At the 7th Precinct stationhouse, Sgt. Mark Vazquez spoke discourteously to § 87(2)(b)**
- **Allegation F) Force: At the 7th Precinct stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that soon before he was brought to the 7th Precinct stationhouse, Sgt. Vazquez threatened to punch him in the face. § 87(2)(b) could not provide the specific language Sgt. Vazquez used to make this threat. § 87(2)(b) further alleged that back at the 7th Precinct stationhouse, Sgt. Vazquez pointed a taser at § 87(2)(b) face and stated, “Shut up. Get up. Turn around. You want to be an asshole?” § 87(2)(b) then alleged that once he had been placed into handcuffs without incident, Sgt. Vazquez shoved him once in the chest and called him a “wiseass.”

All of the officers present for these threats of force, the discourteous statements, and the shove in the chest denied that Sgt. Vazquez made any remarks of this sort or used any force against § 87(2)(b). Sgt. Vazquez, for his part, stated that prior to removing § 87(2)(b) from the holding cell, § 87(2)(b) was very upset, was kicking the cell door and screaming loudly. Consequently, when it came time for PO White and other officers to enter the holding cell in order to handcuff and remove § 87(2)(b) from the holding cell, Sgt. Vazquez unholstered his taser in case § 87(2)(b) presented a threat to the officers’ safety.

§ 87(2)(g)

- **Allegation G) Discourtesy: At § 87(2)(b) PO Christopher White spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that PO White told him, “You’re a wiseass. Fucking smart aleck. You got a fucking suspended license and you’re bringing us all this trouble.”

PO White stated that while they were at the emergency room together, § 87(2)(b) was very loud and yelling about how he had been arrested for driving with a suspended license. PO White stated that he encouraged § 87(2)(b) to calm down, but denied using any discourteous language towards him. § 87(2)(g)

- **Allegation H) Force: At the 7th Precinct Stationhouse, Sgt. Mark Vazquez used physical force against § 87(2)(b)**
- **Allegation I) Abuse of Authority: At the 7th Precinct stationhouse, Lt. Edward Carrasco threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that while PO White was removing the handcuff from his left hand, PO White struggled to get the key into the cuff’s keyhole. Consequently, PO White started to yank on the handcuff, which caused § 87(2)(b) substantial pain and he reflexively pulled

Team: 4

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date